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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,871

12/30/2003

Teresa M. Zander

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

HAND, MELANIE JO

ART UNIT

PAPER NUMBER

3761

MAIL DATE

DELIVERY MODE

03/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: TERESA ZANDER, KRISTI BRYANT, DEBRA HAASE,
SHEILA HEYRMAN, KIM HOERTSCH, ADRIENNE LOYD,
WILLIAM REEVES, GARRY WOLTMAN and THEODORE TOWER

Application No. 10/749,871
Technology Center 3700

Mailed: March 27, 2009

Before KRISTA ZELE *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

PRIOR ORDER FOR RETURN

A prior “Order Returning Undocketed Appeal to Examiner” (Order) was mailed on February 13, 2008, wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The Order advised the Examiner to vacate the Supplemental Examiner’s Answer mailed October 17, 2007 and provide the missing Director or Designee signature and to consider the Reply Brief filed December 17, 2007. The Examiner considered the Reply Brief filed December 17, 2007, in the communication mailed March 11, 2008 and March 26, 2008. However, a review of the record reveals that a new Supplemental Examiner’s Answer was not provided with the communications mailed March 11, 2008 and March 26, 2008.

**COMMUNICATION CONCERNING EXAMINER’S
SUPPLEMENTAL ANSWER**

Appellants filed a COMMUNICATION CONCERNING EXAMINER’S SUPPLEMENTAL ANSWER dated May 8, 2008. There is no indication on the record that the Examiner has considered the above document.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) vacate the Supplemental Examiner's Answer mailed October 17, 2007 and issue and mail a Supplemental Examiner's Answer that includes the approval of the TC Director or his/her designee;
- 2) consider the Communication filed May 8, 2008 by Appellant; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/MTV/tsj

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